

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ARMANDO SUAREZ,)	Case No.: 12-CV-01319-LHK
)	
Plaintiff,)	
)	
v.)	ORDER TO SHOW CAUSE WHY CASE
)	SHOULD NOT BE DISMISSED FOR
COUNTRYWIDE BANK, N.A., et al.,)	FAILURE TO PROSECUTE
)	
Defendants.)	
)	
)	

Plaintiff Armando Suarez (“Plaintiff”) filed his complaint in this Court on March 16, 2012, alleging ten claims. ECF No. 1. On June 14, 2012, Plaintiff filed his declination to proceed before a Magistrate Judge, ECF No. 7, and the case was assigned to the undersigned judge on June 15, 2012. ECF No. 10. On July 30, 2012, Defendants Countrywide Bank, N.A. (“Countrywide”), Recontrust Company, N.A. (“Recontrust”), and Bank of America, N.A. (“Bank of America”) filed a motion to dismiss all ten of Plaintiff’s claims, pursuant to Federal Rule of Civil Procedure 12(b)(6).¹ See ECF No. 12. Pursuant to Civil Local Rule 7-3(a), Plaintiff’s opposition to the motion to dismiss was due on August 13, 2012. Plaintiff never filed an opposition or statement of nonopposition to Defendants’ motion to dismiss.

¹Defendants Regina D. Myles and Diane Bolton filed a joinder in the motion to dismiss on August 14, 2012. ECF No. 17. Defendant The Bank of New York Mellon filed a joinder in the motion to dismiss on August 16, 2012. ECF No. 19.

1 The Court hereby ORDERS Plaintiff to show cause why this case should not be dismissed
2 for failure to prosecute. This Order does not authorize Plaintiff to file an untimely opposition to
3 Defendants' motion to dismiss. Plaintiff has until October 24, 2012 to file a response to this Order
4 to Show Cause. The November 1, 2012 case management conference and hearing on Defendants'
5 motion to dismiss are vacated. Instead, a hearing on this Order to Show Cause is set for **Thursday,**
6 **November 1, 2012 at 1:30 P.M.** Plaintiff's failure to respond to this Order and to appear at the
7 November 1, 2012 hearing will result in dismissal of this case with prejudice for failure to
8 prosecute.

9 **IT IS SO ORDERED.**

10 Dated: October 9, 2012

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12 LUCY H. KOH
13 United States District Judge
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